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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,770	01/10/2005	Tsutomu Kume	450100-05075	5103
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
04/27/2009				
EXAMINER				
NGUYEN, LUONG TRUNG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,770

Applicant(s)

KUME ET AL.

Examiner

LUONG T. NGUYEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 01/09/2009 have been fully considered. Since the previous Office action has not addressed art rejection, this Office Action is made non-final.

In re page 7, Applicants note that the current application is a National Phase Application of International Application number PCT/JP04/005028. A copy of the International Application as filed has been communicated by the International Bureau. Therefore, Applicants request the Examiner indicated box 12(a)(3) on PTO-326 rather than box 12(c).

In response, the Applicants claim of Foreign Priority has been acknowledged by the Examiner. However, there is no document to show that copies of the certified of the priority documents have been received in this National Stage application from the International Bureau. For convenience, a copy of the certified of the priority document is requested to submit to the U.S. Patent Office for acknowledgment.

In re page 7, Applicants request that the Examiner consider JP63-156486 which the Examiner crossed out in the Information Disclosure Statement filed on 10/28/2005.

In response, the Examiner has already considered the document JP63-156486 in the Office Action mailed on 10/29/2008, the Examiner did not cross out "JP63-156486A (FUJITSU GENERAL LTD), 29 June 1988 (1988-06-28)"; the Examiner only crossed out "Patent Abstracts of Japan vol.012, no. 420 (E-679), 8 November 1988 (1988-11-08)" in the Information Disclosure Statement filed on 10/28/2005 since no copy submitted.

Claim Objections

2. Claims 7-8 are objected to because of the following informalities:

Claim 7 (line 19), “the first and second mixing ratios” should be changed to --the first and second predetermined mixing ratios--.

Claim 8 is objected as being dependent from claim 7.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention

Regarding claim 1 (lines 9-10), the Applicants amended with limitation “converting retrieved image data into first image data and second image data, both the first and second image data having the second line frequency.” The specification does not have support for this limitation.

Regarding claim 4 (lines 10-11), the Applicants amended with limitation “a second circuit converting retrieved image data into first image data and second image data, both the first and second image data having the second line frequency.” The specification does not have support for this limitation.

Regarding claim 7 (lines 12-13), the Applicants amended with limitation “a second circuit converting retrieved image data into first image data and second image data, both the first and second image data having the second line frequency.” The specification does not have support for this limitation.

Claims 2-3 are rejected as being dependent from claim 1.

Claims 5-6 are rejected as being dependent from claim 4.

Claims 8 is rejected as being dependent from claim 7.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 (line 9) recites limitation “retrieved image data,” it means that image data is retrieved by a step, however, claim only recites the step of “retrieving respective signals,” it is not known that the “image data” is retrieved by the step of “retrieving respective signals”.

Claim 4 (line 10) recites limitation “retrieved image data,” it means that image data is retrieved by a circuit, however, claim only recites “a first circuit retrieving respective signals,” it is not known that the “image data” is retrieved by the first circuit.

Claim 7 (line 12) recites limitation “retrieved image data,” it means that image data is retrieved by a circuit, however, claim only recites “a first circuit retrieving respective signals,” it is not known that the “image data” is retrieved by the first circuit.

Claim 7 (line 21) recites that limitation “the image data,” it is not known that the antecedent basis for limitation “image data” is limitation “image data of the odd field” recited on line 14 or limitation “image data of the even field” on line 16.

Claims 2-3 are rejected as being dependent from claim 1.

Claims 5-6 are rejected as being dependent from claim 4.

Claims 8 is rejected as being dependent from claim 7.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kume et al. (US 2006/0256236).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 7, Kume et al. discloses an electronic camera wherein image data in a first format has a first frame frequency and a first line frequency and image data in a second format has a second frame frequency and a second line frequency, the electronic camera comprising:

an image sensor (CCD image sensor 11, figure 1, paragraphs [0039] - [0040]), onto which an image of an object is projected, outputting the image data in the first format every frame period of the first format;

a memory (memory 16, paragraph [0032]) to which the image data in the first format output from the image sensor is written;

a first circuit (microcomputer 23, figures 1, 4, paragraphs [0035], [0068]-[0071]) retrieving respective signals required for producing image data, in the second format, of an odd

field and an even field in the second format, out of the image data in the first format from the memory, every odd field period and every even field period in the second format, respectively;

a second circuit (microcomputer 23, figures 1, 4, paragraphs [0035], [0068]-[0071]) converting retrieved image data into first image data and second image data, both the first and second image data having the second line frequency;

a third circuit (interpolation circuit 76, figure 4, paragraphs [0073]-[0074], [0083]-[0089]) outputting the image data of the odd field in the second format by mixing image data of an odd field of the first image data and image data of an odd field of the second image data at a first predetermined mixing ratio, and outputting the image data of the even field in the second format by mixing image data of an even field of the first image data and image data of an even field of the second image data at a second predetermined mixing ratio;

a fourth circuit (coefficient generating circuit 73, figure 4, paragraph [0089]) changing the first and second mixing ratios every field period in the second format; and

an external terminal (external video output terminal 19, figure 1, paragraph [0076]) outputting the image data output from the third circuit.

Regarding claim 1, claim 1 is a method claim of apparatus claim 7; therefore, see Examiner's comments regarding claim 7.

Regarding claims 2, 5, Kume et al. discloses the first format is the National Television System Committee (NTSC) format (NTSC format, paragraph [0044]); and

the second format is the Phase Alternation by Line (PAL) format (PAL format, paragraph [0056]).

Regarding claim 3, Kume et al. discloses wherein
the first format is the NTSC format (NTSC format, paragraph [0044]); and
the second format is switched to the NTSC format or the PAL format (PAL format, paragraph [0056]).

Regarding claim 4, all the limitations are contained in claim 7, therefore, see Examiner's comments regarding claim 7.

Regarding claims 6, 8, Kume et al. discloses a circuit in which the second format is switched to the NTSC format or the PAL format (paragraphs [figure 4, 0088]-0089]), wherein the first format is the NTSC format (paragraphs [figure 4, 0088]-0089]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kondo et al. (US 7,012,648) discloses image conversion method and image conversion apparatus.

Choi (US 7,250,979) discloses format converting apparatus and method.

Muto et al. (US 6,876,395) discloses video signal conversion device and video signal conversion method.

Nishioka et al. (US 6,778,221) discloses apparatus and method for converting between different video formats.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571)272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

